

Eliminating discrepancies between crack and powder cocaine offenses

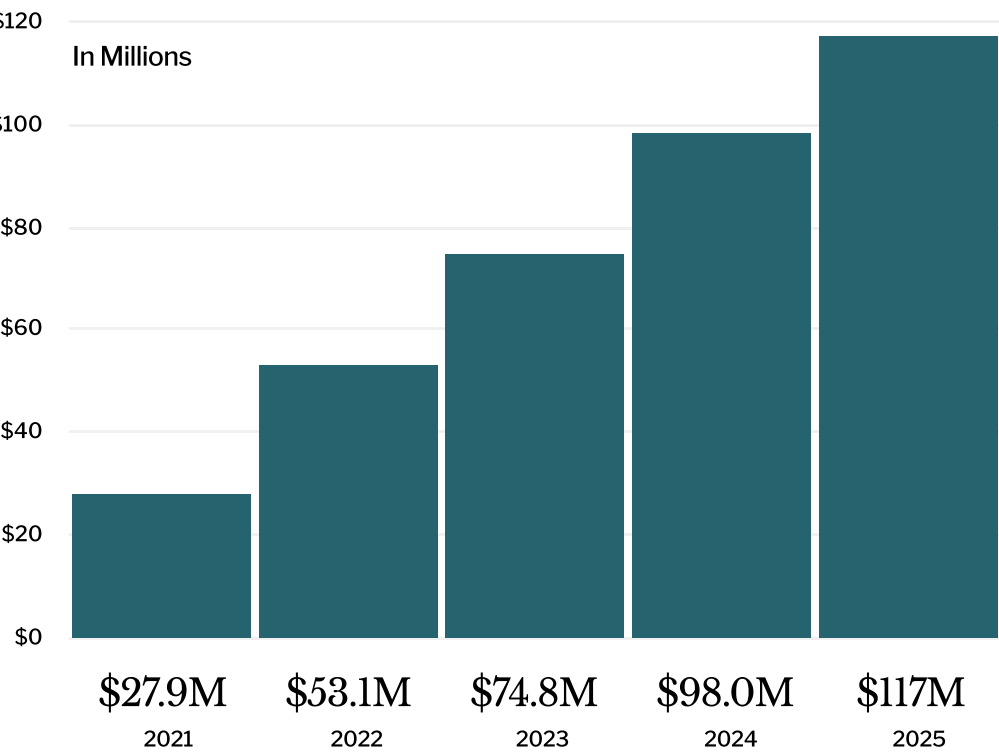
Federal / May, 2021

5-year impact on federal prisons

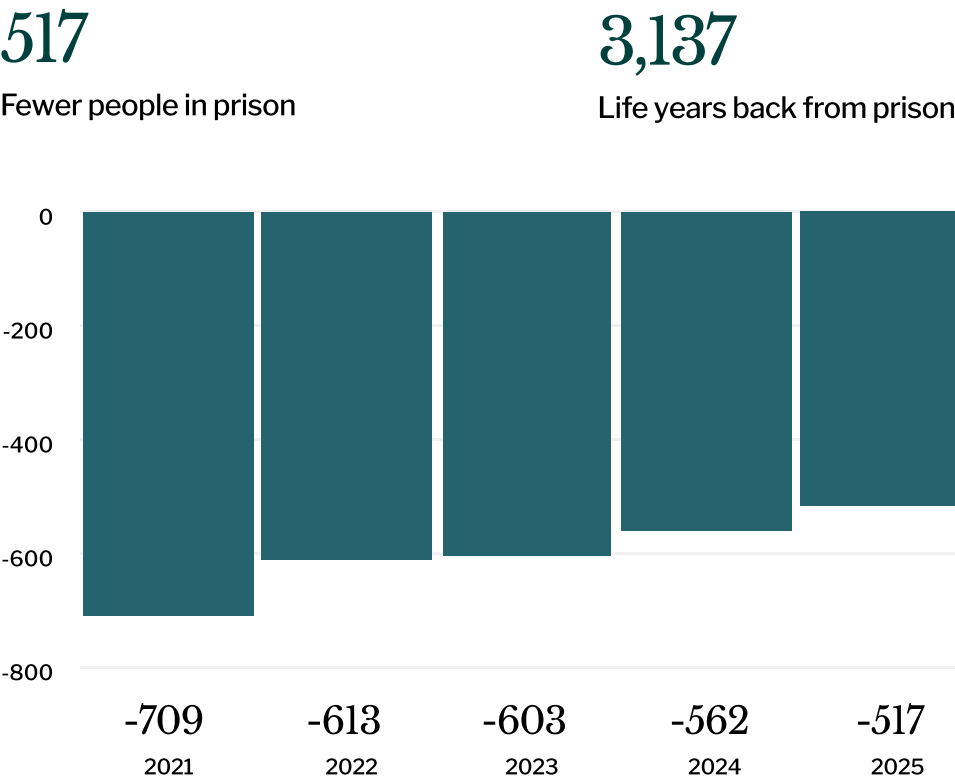
By eliminating the disparity in sentencing between crack and powder cocaine trafficking offenses, the federal prison system could avoid \$117M in costs, reduce the prison population by 517, and give back 3.137 life years over the next 5 years.

The following is calculated using admissions and sentencing data broken down by drug type (data by specific weight was unavailable) and average annual average cost of incarceration of \$37,449.

Cumulative cost avoidance



Prison population change



The opportunity

As of April 2021, there are over 152,000 people in federal prisons, which is down from over 219,000 in 2013. In FY 2021, the cost of the Federal Prison System was \$7,770,000,000.

31% decline

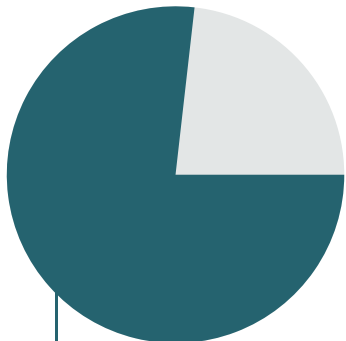
In the federal prison population between 2013 and 2021

\$7.8 billion

Spent annually on the Federal Prison System (FY 2021)

The Fair Sentencing Act of 2010 reduced the sentencing disparity between offenses for crack and powder cocaine from 100:1 to 18:1, and the 2018 First Step Act made this reform retroactive, so that people already incarcerated for crack cocaine offenses can apply for resentencing. After the Fair Sentencing Act was passed, crack cocaine sentence length decreased, from an average of 113 months in 2009 to an average of 96 months in 2013, and therefore nearing the average sentence length for powder cocaine offenses, which was 79 months in 2013. In the first several years of the First Step Act, more than 3,300 people, 91% of whom were black, had their crack sentences reduced by an average of six years.

Over 40 states treat crack and powder cocaine offenses equally in sentencing. However on the federal level, people convicted of crack cocaine offenses are still given longer sentences, which limits the positive impact of policies adopted in the First Step Act and perpetuates the disproportionate imprisonment of Black people. About 9,000 people are currently serving time for federal crack cocaine offenses, and 1,500 new federal sentences are issued each year. While Black people make up only 13% of the United States population (2020), Black people represent 38.6% of the federal prison population (2021), and 84% of people sentenced for crack cocaine offenses (2014).



Eliminating the difference between sentences for crack and powder cocaine would help reduce this racial disparity.